

Motor Carrier Size / Weight Review

Statutory Provisions for Consideration			
	Issue	Current Code	Recommendation
1	Semitrailer legal length	<p>72-7-402(b)</p> <p><i>(i) Except as provided under Subsection (4)(b)(iii), a semitrailer, unladen or with a load, may not exceed a length of 48 feet excluding refrigeration units, hitches, air line connections, and safety appurtenances.</i></p> <p><i>(ii) There is no overall length limitation on a truck tractor and semitrailer combination when the semitrailer length is 48 feet or less.</i></p>	<p>UDOT Motor Carrier Division (MCD) recommendation:</p> <p>Change the legal length of a semitrailer from 48' to 53' to reflect current practice.</p>
2	Semitrailer legal length within one mile of route	<p>72-7-402(b)</p> <p><i>(iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53 feet may operate on a route designated by the department or within one mile of that route</i></p>	<p>UDOT MCD recommendation:</p> <p>Delete , no longer needed if we address issue #1 to reflect 53'.</p>
3	Insurance clarification	<p>72-7-406</p> <p><i>(1)(d) The department may deny or issue a permit under this section to protect the safety of the traveling public and to protect highway foundation, surfaces, or structures from undue damage by one or more of the following:</i></p> <p><i>(i) limiting the number of trips the vehicle may make;</i></p> <p><i>(ii) establishing seasonal or other time limits within which the vehicle may operate or move on the highway indicated;</i></p> <p><i>(iii) requiring security in addition to the permit to compensate for any potential damage by the vehicle to any highway; and</i></p> <p><i>(iv) otherwise limiting the conditions of operation or movement of the vehicle.</i></p>	<p>UDOT MCD Recommendation:</p> <p>Under (iii) change “security” to “insurance” to make the the language / intent plain and more understandable to motor carrier operators.</p>

4	Proof of permit	<p>72-7-406</p> <p><i>(3) Each oversize permit or oversize and overweight permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be available for inspection by any peace officer, special function officer, port of entry agent, or other personnel authorized by the department.</i></p>	<p>UDOT MCD Recommendation:</p> <p>Specify that an electronic copy of the permit may also be made available.</p>
5	Commercial vehicle definition exemptions	<p>72-9-102</p> <p><i>(1)(b) "Commercial vehicle" does not include the following vehicles for purposes of this chapter:</i></p> <p><i>(i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;</i></p> <p><i>(ii) firefighting and emergency vehicles, operated by emergency personnel, not including commercial tow trucks; and</i></p> <p><i>(iii) recreational vehicles that are driven solely as family or personal conveyances for noncommercial purposes.</i></p>	<p>UDOT MCD Recommendation:</p> <p>Add state and local government vehicles to the exemption to make it consistent with CFR 390.3(f)(2)</p>
6	Lettering for domicile	<p>72-9-105</p> <p><i>(1) Except under Subsection (4), a motor carrier shall have lettered on both sides of any vehicle used for transportation of persons or property:</i></p> <p><i>(a) the name of the motor carrier company; and</i></p> <p><i>(b) the location of domicile by city and state for an intrastate commercial vehicle.</i></p>	<p>UDOT MCD Recommendation:</p> <p>Delete the requirement under subsection (b) since it has been removed from 49 CFR 390.21</p>

7	Motor Carrier Advisory Board	<p>72-9-201 Motor Carrier Advisory Board created -- Appointment -- Terms -- Meetings -- Per diem and expenses -- Duties.</p> <p><i>(1) There is created within the department the Motor Carrier Advisory Board consisting of five members appointed by the governor.</i></p> <p><i>(2) Each member of the board shall:</i></p> <p><i>(a) represent experience and expertise in the areas of motor carrier transportation, commerce, agriculture, economics, shipping, or highway safety;</i></p> <p><i>(b) be selected at large on a nonpartisan basis; and</i></p> <p><i>(c) have been a legal resident of the state for at least one year immediately preceding the date of appointment.</i></p> <p><i>(3)</i></p> <p><i>(a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.</i></p> <p><i>(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.</i></p> <p><i>(c) A member shall serve from the date of appointment until a replacement is appointed.</i></p> <p><i>(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term beginning the day following the expiration of the preceding term.</i></p> <p><i>(5) The board shall elect its own chair and vice chair at the first regular meeting of each calendar year.</i></p> <p><i>(6) The board shall meet at least quarterly or as needed when called by the chair.</i></p> <p><i>(7) Any three voting members constitute a quorum for the transaction of business that comes before the board.</i></p> <p><i>(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:</i></p> <p><i>(a) Section 63A-3-106;</i></p>	<p>UDOT MCD Recommendation:</p> <p>Review this section for possible updates, at minimum, change the frequency of the meetings to twice a year with more frequent meetings as called by the chair.</p>
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8	Annual motor carrier fee collecting agency	<p>72-9-706 Motor carrier fee for certain vehicles -- Collection</p> <p><i>(1) A motor carrier, not subject to the fee under Section 41-1a-1219, who operates a commercial vehicle on a highway within this state shall pay an annual motor carrier fee at the same rate provided under Section 41-1a-1219 for each motor vehicle or combination of motor vehicles operated in this state.</i></p> <p><i>(2) The department shall collect the fee required under this section.</i></p> <p>72-9-103</p> <p><i>(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:</i></p> <p><i>(a) adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations including minimum security requirements for motor carriers;</i></p> <p><i>(b) specifying the equipment required to be carried in each tow truck, including limits on loads that may be moved based on equipment capacity and load weight;</i></p> <p><i>(c) specifying collection procedures, in conjunction with the administration and enforcement of the safety or security requirements, for the motor carrier fee under Section 72-9-706; and</i></p> <p><i>(d) providing for the necessary administration and enforcement of this chapter.</i></p>	<p>UDOT MCD Recommendation:</p> <p>Rewrite to reflect current practice that the Tax Commission, not UDOT, collects this fee.</p>

9	Reference adoption of federal size, weight and load regulations not specifically addressed in state code	<p>Title 72 Chapter 9 Motor Carrier Safety Act 72-9-103 <i>(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:</i></p> <p><i>(a) adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations including minimum security requirements for motor carriers;</i></p> <p><i>(b) specifying the equipment required to be carried in each tow truck, including limits on loads that may be moved based on equipment capacity and load weight;</i></p> <p><i>(c) specifying collection procedures, in conjunction with the administration and enforcement of the safety or security requirements, for the motor carrier fee under Section 72-9-706; and</i></p> <p><i>(d) providing for the necessary administration and enforcement of this chapter.</i></p> <p>Title 72 Chapter 7 Part 4 Vehicle Size, Weight and Load Limitations 72-7-406 Oversize permits and oversize and overweight permits for vehicles of excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions -- Penalty. <i>(11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the issuance and revocation of all permits under this section and Section 72-7-407.</i></p>	<p>UDOT MCD Recommendation: Clarify existing rulemaking authority for non-safety regulations.</p> <p><i>Note: Title 72 Chapter 9, Motor Carrier Safety Act, addresses a variety of motor carrier provisions, not just safety-related issues, and grants UDOT rulemaking authority (72-9-103) to adopt Federal Motor Carrier Safety Regulations, and rules “for the necessary administration and enforcement of this <u>chapter</u>”. In the same chapter, Section 301 directs UDOT to administer and enforce state and federal laws to pertaining to size, weight and load restrictions; ports of entry; security; and safety requirements.</i></p> <p><i>At the same time, Chapter 7 grants UDOT authority to create rules for issuing overweight/oversize permits (72-7-406). Rulemaking authority granted in Chapter 7 has previously created confusion whether UDOT has rulemaking authority for a variety of motor carrier administrative duties, including size/weight issues, as authorized in Chapter 9. The code may benefit from better clarification of</i></p>
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